

REMARKS/ARGUMENTS

Reconsideration of the application is requested. Claims 4 through 7 remain in the application. Claims 4 and 7 have been amended.

More specifically, the independent claims have been amended in response to the Examiner's more detailed discussion of the prior art reference and in an effort to even more clearly define the claimed invention. It is believed that the clarified claims clearly and unambiguously distinguish over the prior art.

We respectfully traverse the final rejection of claims 4-7 as being anticipated by Brenny et al. (US 5,839,377, hereinafter "Brenny") under 35 U.S.C. § 102(b) on the basis of the amended claims.

The primarily important aspect of the invention is found in the option that the tool levers may be selectively pivoted about two mutually different lever bearings. The language chosen by applicants in claim 1, namely, "each of said levers having first and second lever bearings, spaced from one another in a transverse direction" was interpreted by the Examiner as encompassing the Brenny teaching. According to the Examiner, the reference has two lever bearings that are "transversely" placed of each other.

It is clear that only the first bearing serves to support pivoting of the lever itself. The second of the referenced bearings – as also stated by the Examiner – serves the pivoting of the clamping cheeks that are mounted to the tool lever. Further, the second pivot is defined by a pivot axis that is perpendicular to the first-mentioned

pivot axis of the tool lever. We, therefore, respectfully disagree with the Examiner's statement that "[a] second lever bearing is positioned . . . transversely from the first lever bearings" Office action, page 2 (emphasis added by applicants).

The claims have been clarified with regard to two features, namely:

- the "transverse direction" is transversely relative to the longitudinal direction that is defined by the rails; and
- both lever bearings serve the pivoting function of the lever itself.

The entry of the amendment is requested. Should the Examiner find any objectionable items, counsel would appreciate a telephone call during which the matter may be resolved.

Applicants are of the opinion that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 4 or 7. These claims are, therefore, patentable over the art and since claims 5 and 6 are dependent on claim 4, they are patentable as well. The allowance of claims 4 - 7 is solicited.

/Werner H. Stemer/

Werner H. Stemer
(Reg. No. 34,956)

WHS:sa - May 6, 2008
Lerner Greenberg Stemer LLP
P.O. Box 2480
Hollywood, Florida 33022-2480
Tel.: 954-925-1100
Fax: 954-925-1101